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## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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MARC SPITZER, Chairman  
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WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON

AUG. 05 2003

DOCKETED BY

CM

CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
VOYAGER WATER COMPANY FOR AN  
EXTENSION OF THE SERVICE AREA UNDER  
ITS EXISTING CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
WATER UTILITY SERVICES.

DOCKET NO. W-02104A-01-0742

PROCEDURAL ORDER**BY THE COMMISSION:**

On January 31, 2002, the Arizona Corporation Commission ("Commission") issued Decision No. 64406, which conditionally granted to Voyager Water Company ("Voyager") an extension of its service territory under its Certificate of Convenience and Necessity ("Certificate"). Decision No. 64406 required Voyager to file, by January 31, 2003, copies of either a Certificate of Assured Water Supply ("CAWS") or a Designation of Assured Water Supply issued by the Arizona Department of Water Resources ("ADWR"), and the Approvals to Construct issued by the Arizona Department of Environmental Quality ("ADEQ") for water system improvements necessary to serve the developments in the requested extension area. Decision No. 64406 provides that if Voyager fails to timely file the required compliance documentation, the conditionally granted Certificate extension will be deemed denied without further Order of the Commission.

On November 18, 2002, Voyager requested an extension of time to November 1, 2003, to file the CAWS and ADEQ Approvals to Construct required by Decision No. 64406. Voyager asserted in support of its request that property owners in the requested extension area had filed a request for rezoning of the property to be included in the Certificate extension area, and that until the City of Tucson ("City") completes the rezoning, Voyager cannot submit subdivision plats to ADWR. Voyager stated that submission of subdivision plats is a prerequisite for a CAWS finding. Voyager expected the City's rezoning to be complete by May, 2003, and to obtain the final CAWS by November 1, 2003. Voyager further stated that it cannot provide ADEQ Approvals to Construct prior

1 to the City's completion of the rezoning. Voyager attached as an exhibit to its request an ADWR  
2 Analysis of Assured Water Supply dated October 11, 2002 that ADWR prepared for land owners in  
3 the extension area. That analysis states that a CAWS must be obtained for each subdivision plat.

4 On December 2, 2002, the Commission's Utilities Division Staff ("Staff") filed a  
5 memorandum on Voyager's request, stating that an extension of time for compliance was needed, and  
6 that Staff had no objection to Voyager's request. By Procedural Order dated December 24, 2002,  
7 Voyager was authorized an extension of time to November 1, 2003 to make the filings.

8 On June 27, 2003, Voyager filed a request to modify or amend Decision No. 64406. Voyager  
9 now requests modifications to Decision No. 64406 that include, but are not limited to the elimination  
10 of a CAWS requirement and the elimination of all the time limits in Decision No. 64406. Because  
11 Voyager's requests pertain to recommendations made by Staff in its Staff Report and at the hearing in  
12 this docket, Staff should respond to Voyager's modification/amendment request.

13 IT IS THEREFORE ORDERED that Staff shall file a response to Voyager Water Company's  
14 June 27, 2003 filing on or before September 1, 2003.

15 DATED this 5<sup>th</sup> day of August, 2003.

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18   
TEENA WOLFE  
19 ADMINISTRATIVE LAW JUDGE

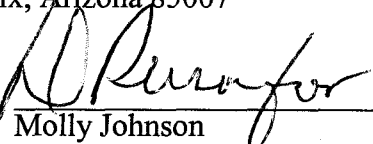
20 Copies of the foregoing mailed/delivered  
21 this 5<sup>th</sup> day of August, 2003 to:

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